

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRADLEY ALLEN GRUBHAM,
Petitioner,

v.

STATE OF WASHINGTON,
Respondent.

CASE NO. C13-5646 RJB-JRC

ORDER

Before the Court are petitioner's (1) motion for leave to file an over-length memorandum (Dkt. 73); (2) third application to proceed *in forma pauperis* ("IFP," Dkt. 71); and (3) amended petition for writ of habeas petition (Dkt. 72). Petitioner is already proceeding IFP and thus, his third motion to proceed IFP (Dkt. 71) is denied as moot. Because the Court allowed petitioner one more opportunity to file one amended memorandum (re-typed and including all facts, allegations, and authority) within 14 days of the entry of the May 24, 2016 order (Dkt. 69), petitioner's motion to file over-length brief (the 57-page amended memorandum) (Dkt. 73) is granted. Although the latest filed amended memorandum is a total of 3 attached documents totaling 57 pages, it appears petitioner has attempted to comply with the Court's directives.

A. Third Motion for Leave to Proceed In Forma Pauperis

On August 20, 2013, the Court granted plaintiff's first application to proceed in forma pauperis (IFP). Dkt. 8. On May 2, 2016, plaintiff filed his second application to proceed IFP, which was a duplicate filing of his first application. See Dkt. 15. The Court denied that duplicative application as moot. Dkt. 69. Because plaintiff has been granted IFP status, his third, duplicative application is moot and therefore, denied.

B. Motion to File an Over-Length Memorandum

Petitioner also moves the Court to allow him to file an over-length amended memorandum, consisting of 57 pages and a 1-page letter. Dkt. 73 (motion to file over-length memorandum).

In its May 24, 2016 order (Dkt. 69), the Court provided petitioner with one final opportunity to file one amended memorandum that includes all facts, allegations, and authority. Petitioner filed a typed amended memorandum, in the form of 3 attachments to his motion to file an over-length memorandum. A one-page letter was the fourth attachment to the motion.

The Court grants petitioner's motion to file his over-length amended memorandum, which is comprised of 57 pages in the form of Attachments #1, #2, #3 to his motion. The one-page letter attached as #4 to the motion, will not be included as part of the amended memorandum as it does not appear to be related to facts, allegations, and authority.

C. Amended Petition (Dkt. 72)

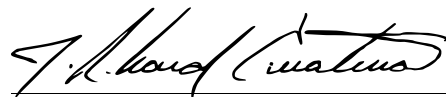
Petitioner filed another Amended Petition (Dkt. 72) at the same time as the amended memorandum. It appears to be a duplicate of the Amended Petition (Dkt. 63) filed on May 2, 2016 and to which the respondent was directed to file a supplemental answer to in the May 24, 2016 order. (Dkt. 69.) In the event the newly filed amended petition (Dkt. 72) differs in any way

1 to coordinate with the newly filed amended memorandum, the Court denies the earlier filed
2 Amended Petition (Dkt. 63) as moot and directs that amended petition (Dkt. 72) supersede the
3 prior petitions.

4 In light of the filing of an amended memorandum, respondent's supplemental answer to
5 petitioner's amended petition (Dkt. 72) is due within 45 days of the entry of this order. The
6 supplemental answer will be treated in accordance with LCR 7. Accordingly, on the face of the
7 supplemental answer, respondent shall note it for consideration on the fourth Friday after filing.
8 Petitioner may file and serve a response not later than the Monday immediately preceding the
9 Friday designated for consideration of the matter, and respondent may file and serve a reply not
10 later than the Friday designated for consideration of the matter.

11 Petitioner is again reminded that the original petition and memorandum of law and any
12 prior versions will no longer serve any function in this case. Petitioner is advised that the Court
13 will not entertain any future requests to amend or supplement his petition or memorandum.

14 Dated this 10th day of June, 2016.

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17 J. Richard Creatura
18 United States Magistrate Judge
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